

## **Appendix D**



# California Regional Water Quality Control Board

## San Diego Region



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January 13, 2006

Ms. Cindy Day-Wilson, Esq.  
Best Best & Krieger  
655 West Broadway  
San Diego, CA 92101

In reply refer to:  
**LDU:06-0916.02:mcdab**

Dear Ms. Day-Wilson:

**SUBJECT: BELL JR. HIGH LANDFILL**

This letter is provided in response to your letter, dated November 7, 2005, regarding the Bell Jr. High landfill (A.K.A. Sweetwater II Landfill). Your letter specifically requests that the Regional Board seek payment for the annual waste discharge requirement (WDR) fees from the County of San Diego. In addition, your letter requests a refund of all fees paid to date, pursuant to provisions of Water Code section 13260(e).

The Regional Board has the following comments on some of the assertions and specific requests presented in your letter:

1. Your letter indicates that the County of San Diego operated the Bell Jr. High Landfill between 1961 and 1967 as a disposal site for sanitary waste. As you know the operational requirements and standards of practice for landfills existing in the 1960's were not necessarily the same as the waste classification and disposal practices that apply to currently operating solid waste disposal units. The Solid Waste Assessment Test (SWAT) Report submitted to April 12, 2004, pursuant to California Water Code 13273, indicates that the type, quantity, physical state and waste disposal methods for wastes placed into Bell Jr. High Landfill are unknown. Our experience with similar landfills indicates that it is very likely that the Bell Junior High Landfill received a mixture of municipal, industrial, and commercial waste streams. As a result, various types of wastes are likely to be commingled within the waste management unit.
2. Your letter indicates the school buildings were constructed on native soils. However, our review of the geologic cross section, as provided on Figure 3 of the SWAT Report, indicates approximately 10 feet of surface fill material at MW-1, the closest well to the school buildings. In addition, construction logs for well MW-2 show approximately 10 feet of fill material. At this time, the extent and the origin of the materials are unclear due to the limited sampling performed at the site.

**A. Payment of WDR Fees from County**

You request that the payment for annual WDR fees be demanded from the County of San Diego as operator of the landfill. However, the San Diego Unified School District (SDUSD) is the current owner of the Bell Junior High Landfill (A.K.A. Sweetwater II Landfill). As the owner of the landfill, and the wastes contained therein, the SDUSD is also identified as a "discharger" in General Waste Discharge Requirements issued as Order 97-11 (and addenda thereto). The Regional Board is not aware of any objections raised or appeals filed by the SDUSD as a result of the Regional Board adopting Order 97-11 (on April 4, 1997) or subsequent addenda to that Order. As a result, the SDUSD continues to be responsible for site maintenance, water-quality monitoring and payment of fees for WDRs (Order 97-11 and addenda thereto).

**B. Factors Considered by the Regional Board**

The Bell Junior High Landfill (A.K.A. Sweetwater II Landfill) is located in the Sweetwater River Watershed, approximately 2.5 miles north of the Sweetwater River. The following designated beneficial uses are identified in the Basin Plan for surface water and groundwater resources:

Hydrologic Unit/ Watershed	Hydrologic Subarea/ Unit (Basin No.)	Designated Beneficial Use (RWQCB, 1994, Chapter 2)
<b>Groundwater</b>		
Sweetwater HU	La Nacion (HSA 9.12)	MUN (potential)
		AGR
		IND (potential)
<b>Surface Water</b>		
Sweetwater River WS	(HU 9.12)	IND
		REC1 (potential)
		REC2
		WARM
		WILD

**Legend:** MUN = municipal and domestic supply  
AGR = agricultural supply  
IND = industrial service supply  
REC1 = contact recreational uses  
REC2 = non-contact recreational uses  
WARM = warm freshwater habitat  
WILD = wildlife habitat

Your letter asserts the SWAT Report demonstrates there is no current threat to groundwater contamination from the landfill. However, the same paragraph of your letter also indicates that MW-3, contains detectable concentrations of Volatile Organic Compounds (VOCs). The SWAT Report for the Bell Junior High Landfill (dated April 12, 2004) indicates the following:

- Depth of refuse unknown.
- Landfill operations consisted of filling in a previously existing drainage.
- Estimated volume of wastes is 300,000 cubic yards.
- 26 VOCs were detected in ground water samples collected from wells MW-1, MW-3, MW-4, MW-5 and MW-6.
- Concentrations of VOCs in ground water samples from MW-3 are above California/EPA maximum contaminant levels (MCLs).
- A landfill gas (LFG) control system, comprised of extraction wells and flare station, was installed in 1989 to control methane gas emissions.
- Ground water samples elevated with respect to general chemistry and metal constituents. Concentrations of chromium (Cr), iron (Fe), manganese (Mn), selenium (Se) and vanadium (V) are in excess of California maximum contaminant levels (MCLs).

The need to control landfill gas at this site is significant for at least two reasons: a.) uncontrolled landfill gas emissions can create hazardous conditions (i.e., fire and explosion hazards and/or public exposure to volatile constituents) and b.) elevated concentrations of mobile VOCs, associated with landfill gas, can create conditions of pollution and/or nuisance.

The data presented in the SWAT Report suggest that the migration and dissolution of landfill gas may be occurring in the upper portion of the aquifer. The SWAT Report concludes that additional groundwater monitoring and sampling should be conducted at the site to track temporal trends in concentration and groundwater elevation. The SWAT Report further states that the groundwater flow direction and gradient in the two inferred perched aquifers is not known. The SWAT Report does not provide a narrative conclusion on the source of the pollutants.

By letter dated August 26, 2005, the Regional Board determined that the migration of waste constituents from the Bell Junior High landfill might be occurring. The Regional Board also requested that a water quality-monitoring program be designed and implemented which complies with California Code of Regulations (CCR), Title 27, and water-quality monitoring requirements. To date, the San Diego Unified School District has failed to submit a proposal to the Regional Board (as required by Section E.11 of Order 97-11). The SWAT report recommends additional groundwater monitoring and sampling, the installation of additional wells to provide a more thorough investigation of the hydrogeology, more relevant assessment of the potential of leachate from the landfill impacting shallow groundwater in the area, and more accurate definition of the characteristics and potential impacts of waste constituents upon the deeper portions of the

aquifer. At this time, the Regional Board is not aware of the basis for your contention that "the landfill and any contamination at the MW-3 well are not related."

### **C. Regional Board Findings and Conclusions**

The Regional Board makes the following findings regarding the Bell Junior High Landfill (A.K.A. Sweetwater II Landfill):

1. The Solid Waste Assessment Test (SWAT) Report submitted to April 12, 2004, pursuant to California Water Code 13273, indicates that the type, quantity, physical state and waste disposal methods for wastes placed into Bell Jr. High Landfill are unknown. However, Regional Board staff experiences with similarly aged facilities suggest that the landfill likely received a mixture of municipal, industrial, and commercial waste streams. As a result, various types of wastes are likely to be commingled within the waste management unit.
3. The San Diego Unified School District (SDUSD) currently owns the parcel of land including the wastes discharged into a waste management unit known to the Regional Board as the Bell Junior High Landfill. The SDUSD is currently identified as a "discharger" in Order No. 97-11 (and addenda thereto), and remains the party responsible for compliance with all the requirements of Order 97-11. The Regional Board adopted Order 97-11 on April 4, 1997 and the SDUSD failed to file an appeal of that action within the timeframe allowed by the applicable statutes.
4. On April 12, 2004, the Regional Board received a technical report of results from a SWAT investigation indicating that detectable concentrations of volatile organic constituents are present in groundwater located down hydrologic gradient from the Bell Junior High Landfill. In the absence of another specific source being identified to the Regional Board, the estimated 300,000 cubic yards of solid wastes located within the unlined landfill are the most probable source of VOCs detected during the SWAT investigation.

As a result of this review, the Regional Board is unable to support a finding that past discharge of wastes into the Bell Junior High Landfill (A.K.A. Sweetwater II Landfill) "*... will not affect, or have the potential to affect, the quality of waters of the state ...*" As a result, the Regional Board is unable to concur with your request to suspend or refund fees for annual waste discharge requirement (WDR) under provisions of Water Code section 13260(e).

Ms. Cindy Day-Wilson  
Bell Junior High Landfill:  
Order 97-11

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January 13, 2006

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

If you have any questions regarding this letter, please contact Mr. Brian McDaniel at (858) 627-3927 or [bmcDaniel@waterboards.ca.gov](mailto:bmcDaniel@waterboards.ca.gov) or Mr. John Odermatt at (858) 637-5595 or [jodermatt@waterboards.ca.gov](mailto:jodermatt@waterboards.ca.gov).

Respectfully,



JOHN H. ROBERTUS  
Executive Officer

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